

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 25 2003

Sunoco, Inc.
Thomas J. Haines, Esq.
1601 Market Street
Philadelphia, PA 19103

**Re: Follow-up 104(e) Request -Sunoco, Inc.
Lower Darby Creek Area Superfund Site
Delaware and Philadelphia Counties, Pennsylvania**

Dear Mr. Haines:

The U.S. Environmental Protection Agency ("EPA") has received the response of Sunoco, Inc ("Sunoco") to its October 4, 2001 Information Request. Based on that response and information obtained by EPA as part of its continuing investigation, EPA is seeking additional information concerning the waste disposal activities of Sunoco in Philadelphia between 1958 and 1976.

EPA has reviewed your previous information request response dated November 16, 2001 and has determined that additional information and clarification is needed in order to complete its investigation. EPA hereby requests that Sunoco respond completely and timely to the information requested in Enclosure F to this letter.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Sunoco is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced facility.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.



You must respond in writing to this required submission of information within **thirty (30) calendar days** of your receipt of this letter. The response must be signed by an authorized official of Sunoco. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

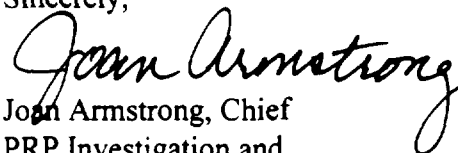
All documents and information should be sent to:

Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

If you have any question concerning this matter, please contact Carlyn Winter Prisk at (215) 814-2625 or you may have your attorney contact Brian Nishitani, Senior Assistant Regional Counsel, at (215) 814-2675.

Sincerely,



Joan Armstrong, Chief
PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: List of Contractors that May Review Your Response
 Enclosure C: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Information Requested

cc: Brian Nishitani, Esq. (3RC44)
 Carlyn Prisk (3HS11)
 April Flipse (PADEP)
 Craig Olewiler (PADEP)



UNITED STATES POSTAL SERVICE
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7002 1140 0001 1045 1381

[Redacted Address Line]

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| Postage | \$ | Postmark Here |
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| Return Receipt Fee (Endorsement Required) | | |
| Restricted Delivery Fee (Endorsement Required) | | |
| Total Postage & Fees | \$ | |

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|------------------------------------|--------------------|
| Sent To SUNOCO, INC. | |
| THOMAS J. HAINES, ESQ. | |
| Street, Apt. No.; or PO Box No. | 1601 MARKET STREET |
| City, State, ZIP+ 4 | PHILA. PA. 19103 |

Enclosure A



List of Contractors That May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
Tri State Enterprise Incorporated
 - Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is:
Eagle Instruments, Inc.
 - Ecology and Environment, Inc. -
Contract #68-S3-0001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
 - IT Corporation - Contract #68-S3-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
 - Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
 - Tetra Tech NUS Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS Inc.
are:
Gannett Fleming, Inc.
Dynamic Corporation
C. C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Horne Engineering
Pacific Environmental Services
 - Black and Veatch Waste Science and
Technology Corporation/Tetra Tech,
Inc. - Contract #68-S7-3002
Subcontractor:
Enviro Consultants Group
 - Universe Technologies -
Contract #68-S3-99-02
 - Tech Law, Inc. -
Contract #68-W-00-108
 - WRS Infrastructure & Environment,
Inc. - Contract # 68-S3-03-02
 - Kemron Environmental Services
Contract # 68-S3-03-05
 - Industrial Marine Services, Inc.
Contract # 68-S3-03-03
 - Guardian Environmental Services, Inc.
68-S3-03-04
- List of Inter-Agency Agreements
- General Services Administration
CERCLA File Room
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Spectron Superfund Site
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic
Elderly - #CQ-822511
 - AARP Foundation (Senior
Environmental Employment) -
#824021
#823952



Enclosure C

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (see Enclosure B) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.



Enclosure D

Definitions

- The term “**arrangement**” shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term “**documents**” shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term “**hazardous substance**” means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).
- The term “**pollutant or contaminant**” shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food



chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).

- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.



Enclosure E

Instructions

1. You **are** entitled to assert a claim of business confidentiality covering any part or all of the **information** you submit. If you desire to assert a claim of business confidentiality, please see Enclosure C, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.



Enclosure F

Information Requested

1. **Regarding Sunoco's November 16, 2001 response to Question 3 of EPA's October 4, 2001 Information Request, for the following current and/or former employees of Sunoco, please list the name, address, and telephone number of each and attach a written statement summarizing each person's interview and/or knowledge or recollection upon which Sunoco's November 16, 2001 response was based: William Chase, A.B. Chieffo, Thomas J. Collins, Harold A. Taylor, Howard Nickel, Arthur Raymond, Rob Rowe, Gloria Rowe, Mike Severin, Tom Phillips, Tom Jaagus, and Milt Havens.**
2. **Regarding Sunoco's response to Question 6, please attach and indicate the location of all documentation used to provide the information in that response.**
 - a. **Provide the name, address, telephone number and job title of each current or former employee of Sunoco whose knowledge and/or recollection contributed to Sunoco's response to Question 6;**
 - b. **Please indicate where each of the hazardous substances identified in response to Question 6 was stored, treated, transported, and/or disposed of between 1958 and 1976.**
3. **Regarding Sunoco's response to Question 7, please identify any other hazardous substances used, generated, stored, or otherwise handled at the Philadelphia, PA facilities between 1958 and 1976 and provide copies of MSDS sheets. Please also provide a more detailed explanation of the process(es) wherein these substances were utilized.**
4. **Regarding Sunoco's response to Question 8, please provide copies of documents (or provide the likely location of copies and individuals with knowledge of the location of such documents), as defined in Enclosure D hereto, associated with waste sent to Continental Vanguard, Snow Environmental, Mid Atlantic, South Jersey Pollution Control, Almo, Eastern Industrial, Allied Chemical, and Northeast Oil Services that relate in any way to the Folcroft Landfill or Annex.**
5. **Regarding Sunoco's response to Question 9, please provide the name, title, area of responsibility, address, and telephone number of each individual who managed Sunoco's waste disposal practices between 1958 and 1976. For each such current and/or former employee of Sunoco identified above, please provide a copy of the written interview statement, if one exists, upon which Sunoco's response to Question 9 was based.**
6. **Please describe any spills, whether or not reportable under current federal, state, and local environmental or emergency response laws and regulations, of hazardous materials, substances, or waste, or non-hazardous waste on any portion of the Folcroft Landfill, Annex, or any other portion of the Site.**



7. Regarding Sunoco's response to Question 16, please provide any additional documents that Sunoco discovered since its November 16, 2001 response concerning its retention policies from the relevant time period.





Thomas J Haines
Senior Counsel

Sunoco, Inc.
1801 Market Street
Philadelphia PA 19103
215 977 6273
FAX 215 977 6878
Thomas.J.Haines@SunOil.com

November 16, 2001

HAND DELIVERED

NOV 16 2001

Ms. Carlyn Winter Prisk
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Lower Darby Creek Area Superfund Site

Dear Ms. Prisk:

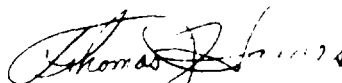
Enclosed is Sunoco, Inc. (R&M)'S (Sunoco) responses to the questions in the CERCLA section 104e letter from Mr. Larry S. Miller.

As you will see, Sunoco is continuing its investigation and will need to supplement its response. However, to date, it has not found any information linking it to the Clearview Landfill, Folcroft Landfill and/or the Folcroft Landfill Annex.

To assist Sunoco in its ongoing investigation, I am requesting in accordance with the Freedom of Information Act that USEPA provide Sunoco with copies of any information which the Agency believes links Sunoco to the above captioned site. Please send me the invoice for any costs incurred in copying this material.

Feel free to contact me if you have any questions.

Sincerely,


Thomas J. Haines
Senior Counsel

TJH/ln
Enclosure
cc: S. Coladonato
A. M. Donnelly

LOWER DARBY CREEK AREA SUPERFUND SITE
CLEARVIEW LANDFILL, FOLCROFT LANDFILL, AND FOLCROFT
LANDFILL ANNEX

EPA 104(e) QUESTIONS:

Questions:

- 1) **State the name of your company, its mailing address, and telephone number. Further identify:**

Answer: Sunoco, Inc. (R&M)
Ten Penn Center
1801 Market Street
Philadelphia, Pennsylvania 19103-1699
Main Telephone Number: 215-977-3000

- a) **The dates and states of incorporation of your company;**

Answer: State of incorporation: Pennsylvania
Date of incorporation: August 4, 1971

- b) **The date and original state of incorporation of your company; and**

Answer: Sun Oil Company, predecessor to Sunoco, Inc. (R&M), was originally incorporated in New Jersey on May 2, 1901.

- c) **The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.**

Answer: Parent Company: Sunoco, Inc.
Subsidiaries: A list of all subsidiary corporations of Sunoco, Inc. would require a substantial amount of time and resources to compile. These subsidiaries are filed annually with the Securities and Exchange Commission under "Exhibit 21" as a part of the "Form 10-K". Should the U.S. Environmental Protection Agency require a list of subsidiaries as set forth in "Exhibit 21", please advise. For the purposes of this answer, the Marcus Hook Refinery and the Paulsboro, New Jersey and Twin Oaks, Pennsylvania Terminals are part of Sunoco, Inc. (R&M). Sun Ship, Inc. was a separate subsidiary.

2. **What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.**

Answer: Sunoco, Inc. (R&M), is principally a petroleum refiner and marketer and chemicals manufacturer. This includes the manufacturing and marketing of petroleum products, including fuels, lubricants and petrochemical feedstocks, and the transportation of crude oil and refined products. The chemical operations include manufacturing, distribution and marketing of base commodity and intermediate petrochemicals. From 1958 through 1976, Sunoco, Inc. was primarily a petroleum refiner and marketer. Sun Ship, Inc., whose assets were sold on February 8, 1982, was involved in shipbuilding and ship maintenance and repair.

3. **Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.**

Answer:

Based on discovery during prior litigation related to waste disposal at the **Marcus Hook, Pennsylvania Refinery**, the following employees or former employees were knowledgeable regarding this issue:

- William Chase, retired from Purchasing Department.
- A. B. Chieffo, retired. Was employed in Marcus Hook Environmental Department in 1960's through 1970's. Became head of Department in 1970's.
- Thomas J. Collins, retired, Title unknown.
- Harold A. Taylor, retired. Oversaw terminals/transportation in 1970's.
- Howard Nickel, Tank Engineer. Current employee.
- Arthur Raymond, retired. Environmental Department late 1960's and 1970's.
- Bob Rowe, retired. Environmental Department 1970's.
- Gloria Rowe, retired. Chief Environmental Engineer 1970's.
- Mike Severin, Maintenance Department and technical services.
- Tom Phillips, Transportation Department 1970's.
- Tom Jaagus, Materials Management Department.
- Milt Havens, Process Engineer.

Based on discovery during prior litigation related to waste disposal at the **Twin Oaks Terminal**, the following employees or former employees were knowledgeable regarding this issue:

- Sam Masapolla, Assistant Terminal Supervisor.

- Al Kuntz, retired. Heating Oil Manager, 1970's.
- Howard Algeo, Terminal Manager, 1960's.
- John McFadden, Terminal Manager, 1970's.
- Harold Taylor, Terminal Manager, 1970's.
- Paul Kuntz, title unknown.
- George O'Connor, Driver Supervisor, 1970's.

Based on discovery during prior litigation related to waste disposal at the **Paulsboro Terminal**, the following employees or former employees were knowledgeable regarding this issue:

- Cliff Howarth, Terminal Operator, 1970's.
- John McFadden, Terminal Manager, 1970's.
- Ed McGuire, Bulk Plant Engineer 1960's and 1970's.
- George O'Connor, Driver Supervisor, 1970's.
- Bob Service, Driver, Dispatcher, 1970's.
- Paul McLaughlin, Terminal Manager.

Based on discovery during prior litigation related to waste disposal at **Sun Ship, Inc.**, the following employees or former employees were knowledgeable regarding this issue:

- Frank Raezer, Ship Repair Sales Representative.

Note: All of the above employees or former employees can be contacted through Thomas J. Haines, Esq. at Sunoco, Inc. (R&M).

4. **Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide: .**
 - a. **The dates of their operation;**
 - b. **The nature of their operation; and**
 - c. **All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).**

Answer: The current Philadelphia Refinery was not owned by Sunoco during the relevant time period (1958 to 1976). One section of the Refinery was purchased from Atlantic Refining Company in 1988 and the other section from Chevron in 1994. The following facilities were operated by Sunoco between 1958 and 1976:

The Marcus Hook, Pennsylvania Refinery:

- a) Began operations in 1901.
- b) The refining of petroleum products and petrochemicals.
- c) All documents discovered as a result of a diligent investigation of Sunoco, Inc. (R&M)'s records are attached

("Attachment A"). The majority of records from the relevant time period (1956 to 1978) would have been purged during the normal course of business and in accordance with the Company's records retention policy. Sunoco will continue its internal investigation and supplement its response if additional documents are located.

Paulsboro Terminal, New Jersey:

- a) Began operations prior to 1956.
- b) The storage and distribution of petroleum products.
- c) No documents have been discovered.

Twin Oaks Terminal, Pennsylvania:

- a) Began operations in 1975.
- b) The storage and distribution of petroleum products
- c) All documents discovered as a result of a diligent investigation of Sunoco, Inc. (R&M)'s records are attached ("Attachment A"). The majority of records from the relevant time period (1956 to 1978) would have been purged during the normal course of business and in accordance with the Company's records retention policy. Sunoco will continue its internal investigation and supplement its response if additional documents are located.

Sun Ship, Inc.:

- a) Began operations in 1916.
- b) Shipbuilding and ship maintenance and repair
- c) All documents discovered as a result of a diligent investigation of Sunoco, Inc. (R&M)'s records are attached ("Attachment A"). The majority of records from the relevant time period (1956 to 1978) would have been purged during the normal course of business and in accordance with the Company's records retention policy. Sunoco will continue its internal investigation and supplement its response if additional documents are located.

5) Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

Answer: Many documents have been purged in accordance with Sunoco's document retention policy. Sun Ship documents were maintained at Sun Ship, which was sold to Pennsylvania Shipbuilding Company in 1982 and subsequently closed. For documents currently

available and provided to the EPA with this response, refer to "Attachment A".

- a) **Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;**

Answer: See response in the paragraph above.

- b) **Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and**

Answer: Sunoco has not found any permits for the relevant time period, but is continuing to search its files and will supplement its response if these documents are discovered.

- c) **Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.**

Answer: Refer to "Attachment A".

- 6) **Identify every hazardous substance used , generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:**

Answer: Based on information provided by employees and former employees, Sunoco, Inc. (R&M) has identified the following wastes:

- **Marcus Hook:** Separator sludge, tank bottoms, spent catalyst/catalyst fines, wastewater, spent clay, asbestos insulation, spent soda, spent sulfuric acid and acid sludge, dock oil, dock sludge, cooling tower sludge, slop oil emulsion solids.
- **Twin Oaks Terminal:** Used oil, grease from grease pits in the garage.
- **Paulsboro Terminal:** Sludge from oil/water separators, tank bottoms, grease from grease pits, used oil, spent solvents.
- **Sun Ship:** Scrap iron, grit, asbestos insulation, paint solvents, used oil, lubricants, oil and sludge.

- a) **The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;**

- **Marcus Hook:** The refinery produced petroleum products such as gasoline, fuels, lubricants and petrochemicals.
- Twin Oaks:** No products are produced here. The terminal has always been used for the storage, distribution and sale of petroleum products, such as gasoline and fuel oil.
- **Paulsboro Terminal:** No products are produced here. The terminal has been used for storage, distribution, and sale of gasoline and distillates. The terminal ceased to be used for gasoline storage in or about February, 1976.
- **Sun Ship:** Sun Ship, Inc. was engaged in Shipbuilding, ship maintenance and repair.

b) The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;

The physical state of the waste is described earlier in this response to Question 6. Sunoco has located and attached (refer to "Attachment B") the following Material Safety Data Sheets: "Spent Sulfuric Acid", "Slop Oil Tank Emulsion", "Sludge", "Acid Sludge".

c) The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;

Because there were no documents for many of the substances, the following information is based on estimates provided by some of the employees and former employees listed in the response to Question 3:

- **Marcus Hook: Separator Sludge:** During 1960-1976 – Volume generated may have been approx. 3-4 million gallons per year. **Tank Bottoms:** Generally, tanks were cleaned every 5 to 20 years, depending on the tank. Sun has not been able to determine the volume of material removed from the tanks. **Spent Catalyst/Catalyst Fines/Spent Clay:** Sun does not have information on the quantity. **Wastewater:** Sunoco has not located documents regarding the volume of waste water during the subject period. **Spent Carbon/Asbestos Insulation/Spent Soda/Acid Sludge/Dock Oil/Dock Sludge/Slop Oil Emulsion Solids:** Sun does not have information on the quantity. **Spent Sulfuric Acid:** Three to four truckloads (maximum 6,000 gallon capacity) per day. **Cooling Tower Sludge:** Removed infrequently.
- **Twin Oaks:** Sun has not been able to determine the volume of material removed from Twin Oaks, but because there was no refining activity, waste would have been minimal..
- **Paulsboro:** Sun does not have information on the removal of sludge or tank bottoms during the 1960's. During the 1970's,

sludge was removed from tanks which were cleaned out every 3 to 4 years, approximately. During 1974-1975, there was no removal of sludge or tank bottoms.

- **Sun Ship:** No information is available at this time. Sunoco is continuing to search its files and will supplement if relevant documents are discovered.

d) The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;

All substances listed above were believed to have been generated between:

- **Marcus Hook:** 1958 - 1976.
- **Twin Oaks:** 1975 - 1976.
- **Paulsboro:** 1958 - 1976.
- **Sun Ship:** 1958 - 1976

e) The types and sizes of containers in which these substances were transported and stored; and

Answer: Based on the recollection of employees and former employees listed in Sunoco's response to Question 3, most solids were believed to have been transported in roll-offs or drummed. Non-solids would have been transported in drums, tank trucks or vacuum trucks.

f) The persons or companies that supplied each such hazardous substance to your company.

- The hazardous substances for each of Sun's facilities described in this response were generated through operations in the normal course of the business in which each such facility was engaged.

7) Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

a) The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released or otherwise handled;

Answer: See response to Question 6 (a).

b) The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste)

Answer: See response to Question 6(b)

- c) **The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;**
Answer: See response to Question 6 (c).
- d) **The types, sizes, and numbers of containers used to treat,store,or dispose of each such by-product or waste;**
Answer: See response to Question 6 (e).
- e) **The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and**
Answer: See Response to Question 8 below.
- f) **The location and method of treatment and/or disposal of each such by-product or waste.**
Answer: See response to Question 8 below.

8) Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

- a) **The person with whom you made such a contract or arrangement;**
- b) **The date(s) on which or time period during which such material was removed or transported for disposal;**
- c) **The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
- d) **The annual quantity (number of loads, gallons, drums) of such material;**
- e) **The manner in which such material was containerized for shipment or disposal;**
- f) **The location to which such material was transported for disposal;**
- g) **The person(s) who selected the location to which such material was transported for disposal;**
- h) **The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and**
- i) **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.**

Answer: Pursuant to a document search and review of discovery material from prior litigation, Sun possesses no personal knowledge indicating Sun ever contracted or made arrangements with any of the transporters listed above, other than Eastern Industrial. (See response below.) Company's that Sun has contracted/made arrangements with to remove/transport material from its establishments include, but may not be limited to the following:

Marcus Hook Refinery:

Note: For some or all of the following responses for the Marcus Hook Refinery, on-site disposal facilities may also have been used.

Separator Sludge:

Companies used believed to be: Continental Vanguard, Snow Environmental, Northeast Oil Services, Inc.

- a) Names not located
- b) Until 1978 (Start date unknown)
- c) Separator Sludge
- d) See response to Question 6 (c)
- e) See response to Question 6 (e)
- f) Grows and Knickerbocker landfills in Pennsylvania. May also have transported to New York Landfills during the 1970's.
- g) Many sites selected by hauler with Sun's approval.
- h) Unknown, unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Tank Bottoms:

Companies used believe to be: Mid Atlantic, South Jersey Pollution Control, Snow Environmental, Almo, and possibly Continental Vanguard.

- a) Names not located
- b) 1971 until 1978.
- c) Tank Bottom sludge.
- d) See response to Question 6 (c).
- e) See response to Question 6 (e).
- f) Sometimes taken to Grows or Knickerbocker Landfills in Pennsylvania.
- g) Many sites selected by hauler with Sun's approval.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Spent Catalyst/Catalyst Fines:

Companies believed to be used: Eastern Industrial.

- a) Names not located.
- b) 1960-1976.
- c) Spent Catalyst/Catalyst Fines
- d) See Response to 6 (c).
- e) See Response to 6 (e).
- f) Grows and Kinsley Landfills.
- g) Unknown.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Spent Clay:

Companies believed to be used: Eastern Industrial,

Solid Waste Removal, Inc.

- a) Names not located.
- b) After mid-1970's.
- c) Spent Clay
- d) See response to Question 6 (c).
- e) See response to Question 6 (e).
- f) Taken to some or all of the following landfills:
Grows, Knickerbocker, and Kinsley.
- g) Many sites selected by hauler with Sun's approval.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered..

Marcus Hook:

Wastewater:

Until 1978, Sun's wastewater was discharged into the Delaware River pursuant to applicable permits.

- a) Not applicable.
- b) Until 1978. (Start date unknown.)
- c) Wastewater
- d) See response to Question 6 (c).
- e) Not applicable.
- f) See response to (a) above.
- g) Not applicable.
- h) Not applicable.
- i) Not applicable.

Marcus Hook:

Spent Catalyst/Catalyst Fines:

Companies believed to be used: Eastern Industrial.

- a) Names not located.
- b) 1960-1976.
- c) Spent Catalyst/Catalyst Fines
- d) See Response to 6 (c).
- e) See Response to 6 (e).
- f) Grows and Kinsley Landfills.
- g) Unknown.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Spent Clay:

Companies believed to be used: Eastern Industrial,

Solid Waste Removal, Inc.

- a) Names not located.
- b) After mid-1970's.
- c) Spent Clay
- d) See response to Question 6 (c).
- e) See response to Question 6 (e).
- f) Taken to some or all of the following landfills:
Grows, Knickerbocker, and Kinsley.
- g) Many sites selected by hauler with Sun's approval.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered..

Marcus Hook:

Wastewater:

Until 1978, Sun's wastewater was discharged into the Delaware River pursuant to applicable permits.

- a) Not applicable.
- b) Until 1978. (Start date unknown.)
- c) Wastewater
- d) See response to Question 6 (c).
- e) Not applicable.
- f) See response to (a) above.
- g) Not applicable.
- h) Not applicable.
- i) Not applicable.

Marcus Hook:

Asbestos Insulation:

- a) Unknown.
- b) Beginning in the 1970's.
- c) Asbestos Insulation.
- d) Unknown.
- e) Handled in accordance with regulations that came into effect.
- f) Unknown.
- g) Unknown.
- h) Unknown.
- i) Unknown.

Marcus Hook:

Spent Soda:

- a) Unknown.
- b) After the early 1970's, sent to paper and pulp mills in North or South Carolina and possibly to Americhem in Texas. Sun is reviewing its files for pre-1970 disposal practices.
- c) Spent soda.
- d) Unknown.
- e) See response to Question 6 (e).
- f) See (b) above.
- g) Unknown.
- h) Unknown.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Spent Sulfuric Acid:

Companies believed to be used: Allied Chemical in Claymont, Delaware for further processing, not disposal.

- a) Names not located.
- b) Through 1976 (start date unknown).
- c) Spent Sulfuric Acid
- d) See response to Question 6 (c).
- e) See response to Question 6 (e).
- f) Allied Chemical in Claymont, Delaware.
- g) Unknown.
- h) Unknown unless shown on documents, if available.
- h) Investigation in progress and will supplement if documents are discovered.

Marcus Hook

Acid Sludge:

Companies believed to be used: Allied Chemical.

- a) Unknown.
- b) Beginning in 1972. Acid Sludge generation ceased in the 1970's.
- c) Acid Sludge.
- d) Unknown.
- e) See response to Question 6 (e).
- f) Allied Chemical in Claymont, Delaware.
- g) Unknown.
- h) Unknown, unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook

Dock Oil:

Recycled through the refinery. Removed from the River by "South Jersey Pollution Control" and possibly "Duane Marine".

- a) Unknown.
- b) During the 1970's.
- c) Dock Oil.
- d) Unknown.
- e) See response to Question 6 (e).
- f) Unknown.
- g) Unknown.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook

Dock Sludge:

Recycled through the refinery or deposited in vicinity of Swedesboro, New Jersey possibly by U.S. Army Corps of Engineers and Inland Pump and Dredging.

- a) Unknown.
- b) During the 1970's.
- c) Dock Sludge
- d) Unknown.
- e) See response to Question 6 (e).
- f) Vicinity of Swedesboro, New Jersey.
- g) Unknown.
- h) Unknown unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Marcus Hook:

Cooling Tower Sludge:

Disposal on site.

- a) Not applicable.
- b) Through 1976 (start date unknown).
- c) Cooling Tower Sludge
- d) Unknown, however, Cooling Tower Sludge was removed from cooling towers infrequently.
- e) Unknown.
- f) Not applicable.
- g) Not applicable.
- h) Not applicable.
- i) Not applicable.

Marcus Hook:

Slop Oil Emulsion Solids:

Disposal on-site.

- a) Not applicable.
- b) Unknown.
- c) Slop Oil Emulsion Solids.
- d) Unknown.
- e) Unknown.
- f) Not applicable.
- g) Not applicable.
- h) Not applicable.
- i) Not applicable.

Twin Oaks Terminal:

Used Oil/Grease from Garage Grease Pits:

Companies used to dispose of wastes unknown, if any.

- a) Unknown.
- b) 1975 - 1976.
- c) Used oil / Grease.
- d) See response to Question 6 (c).
- e) See response to Question 6 (c)
- f) Unknown.
- g) Unknown.
- h) Unknown.
- i) Investigation in progress and will supplement if documents are discovered.

Paulsboro Terminal:

Companies believed to be used: Elmwood Tank Cleaning.

- a) Names not located.
- b) During the 1970's (Start date unknown).
- c) Tank sludge.

- d) See response to Question 6 (c)
- e) See response to Question 6 (e)
- f) Marcus Hook or New York landfills.
- g) Unknown.
- h) Unknown, unless shown on documents, if available.
- i) Investigation in progress and will supplement if documents are discovered.

Sun Ship, Inc.:

Investigation in progress and will supplement if additional documents are discovered.

- 9) **Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:**

- a) **Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;**
- b) **Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or**
- c) **Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.**

Answer: Pursuant to a document search and interviews, Sun possesses no personal knowledge indicating that material may have been disposed of at this site.

10. **For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the site, or arranged for the disposal or treatment of material at the Site, identify:**

- a) **The date(s) on which such material was disposed of or treated at the Site;**
- b) **The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);**
- c) **The annual quantity (number of loads, gallons, drums) of such material;**
- d) **The specific location on the Site where such material was disposed of or treated; and**
- e) **Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's (s')**

possession regarding arrangements made to dispose of or treat such material at the Site.

Answer: See response to Question 9.

- 11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:**

Answer: Sun possesses no personal knowledge of our establishment, or any other company or individual ever having a spill or causing the release of any chemicals, hazardous substances and/or hazardous wastes, and/or hazardous solid waste on any portion of the site.

- a) The date(s) the spill(s)/release(s) occurred;**
- b) The composition (i.e., chemical analysis) of the materials which were spilled/released;**
- c) The response made by our or on your behalf with respect to the spill(s)/release(s); and**
- d) The packaging, transportation, and final disposition of the materials which were spilled/released.**

- 12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania Area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.**

Answer: See response to Question 3.

- 13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.**

Answer: Sunoco participated in an investigation and assessment of the entire Site that was called by EPA the Lower Darby Creek Area when that Area was under consideration for Listing on the National Priorities List. (Federal Register at 40 C.F.R. Part 300, 92 Fed. Reg. 30489 - 30495)

(May 11, 2000)). The results of that investigation and assessment are reflected in Comments submitted on behalf of Sunoco and others under cover of a letter dated July 10, 2000 from Mr. Benjamin Stonelake, and in supplemental comments submitted under cover of a letter dated February 28, 2001. These documents are in EPA's possession in the Docket of that proceeding and Sunoco incorporates those comments in this response.

14. **If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone, number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.**

Answer: Sun has no knowledge of other parties having information in Regard to this site.

15. **Representative of your establishment(s):**

- a) **Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.**

Thomas J. Haines, Senior Counsel
1801 Market Street
10 Penn Center / 17th Floor
Philadelphia, PA 19103-1699
Phone: 215-977-6273

Annette M. Donnelly, Paralegal
1801 Market Street
10 Penn Center / 17th Floor
Philadelphia, PA 19103-1699
Phone: 215-977-6551

- b) **Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.**

Answer: See Response to Number 15.

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a) Your document retention policy;**
- b) A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;**
- c) A description of the type of information that would have been contained in the documents; and**
- d) The name, job title, and most current address known to you of the person(s) who would have produced these documents; the persons(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.**

Answer: Sunoco is attempting to locate retention policies from the relevant time period and will supplement if documents are discovered.



395417

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

OCT 04 2001

**Sunoco, Inc.
Ten Penn Center
1801 Market St.
Philadelphia, PA 19103**

Attention: Robert H. Campbell, CHB

**Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and
Folcroft Landfill Annex**

Dear Mr. Campbell:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by Sunoco, Inc., may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require Sunoco, Inc. (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by

Customer Service Hotline: 1-800-438-2474

Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen(15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

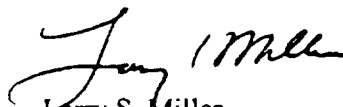
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller
Chief, PRP Investigation and
Site Information Section

Enclosures: Enclosure A: Lower Darby Creek Area Site Map
 Enclosure B: Business Confidentiality Claims/Disclosure of Your Response to
 EPA Contractors and Grantees
 Enclosure C: List of Contractors that May Review Your Response
 Enclosure D: Definitions
 Enclosure E: Instructions
 Enclosure F: Questions

cc: Mr. Brian Nishitani (3RC44) EPA Region III, Office of Regional Counsel
 Ms. Kristine Matzko (3HS21) EPA Region III, Remedial Project Manager
 Mr. Craig Olewiler Pennsylvania Department of Environmental Protection
 Ms. April Flipse Pennsylvania Department of Environmental Protection

Enclosure A

Lower Darby Creek Area Site Map

Customer Service Hotline: 1-800-438-2474

Enclosure A



Enclosure B

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure C") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreements(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7) and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure C, you must notify EPA in writing at the time you submit such documents.

Enclosure C

List of Contractors that May Review Your Response

- Daston Corporation -
Contract #68-S3-01-01
Subcontractor to Daston Corporation is:
Dynamac Corporation
- Tetra Tech EM, Inc. -
Contract #68-S3-0002
Subcontractor to Tetra Tech EM, Inc. is
Eagle Instruments, Inc.
- Ecology and Environment, Inc. -
Contract #68-S3-001
Subcontractor to Ecology and
Environment, Inc. is:
S & S Engineers, Inc.
- Resource Applications, Inc. -
Contract #68-S3-003
Subcontracts to Resource Applications,
Inc. are:
C.C. Johnson & Malhotra, Inc.
Scientific & Environment Associates,
Inc.
Environmental Quality Management,
Inc.
- IT Corporation - Contract #68-S#-00-06
Subcontracts to IT Corporation are:
Weavertown Environmental Group
Environmental Restoration Company
- Earth Tech, Inc. - Contract #68-S3-00-07
Subcontractors to Earth Tech, Inc. are:
Industrial Marine Services, Inc.
Cline Oil
Hertz Equipment Rental
- Guardian Environmental Services, Inc.
Contract #68-S3-99-04
- ECG Industries, Inc. -
Contract #68-S3-99-05
Subcontractor to ECG Industries, Inc. is:
Earth Tech, Inc.
- Industrial Marine Services, Inc. -
Contract #68-S3-99-06
Subcontractors to Industrial Marine
Services, Inc. are:
Earth Tech, Inc.
Engineering and Environment, Inc.
- Tetra Tech NUS, Inc. -
Contract #68-S6-3003
Subcontractors to Tetra Tech NUS, Inc.
are:
Gannett Flemming, Inc.
Dynamac Corporation
C.C. Johnson & Malhotra, P.C.
- CDM-Federal Programs Corporation -
Contract #68-S7-3003
Subcontractors to CDM-Federal
Programs Corporation are:
Tetra Tech EM, Inc.
Robert Kimball & Associates
PMA & Associates
Home Engineering
Pacific Environmental Services
- Black and Veatch Waste Science and
Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
- Universe Technologies -
Contract #68-S3-99-02
- Tech Law, Inc. - Contract #68-W-00-108
Subcontractor to Tech Law, Inc. is:
Gannett Flemming, Inc.

List of Cooperative Agreements

- National Association of Hispanic Elderly
- #CQ-822511
- AARP Foundation (Senior
Environmental Employment)
- #824021, #823952

Enclosure D

Definitions

- The term "**arrangement**" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "**documents**" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "**hazardous substance**" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure E

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure B, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure D, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure D. Those terms shall have the meaning set forth in Enclosure D any time such terms are used in this Information Request and/or its Enclosures.

Enclosure F

QUESTIONS

1. State the name of your company, its mailing address, and telephone number. Further identify:
 - a. The dates and states of incorporation of your company;
 - b. The date and original state of incorporation of your company; and
 - c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities.
2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.
3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.
4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
 - a. The dates of their operation;
 - b. The nature of their operation; and
 - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).
5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
 - b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding the transportation and disposal of such wastes; and
 - c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.
6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS"). With respect to each such hazardous substance, further identify:
- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
 - c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
 - d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
 - e. The types and sizes of containers in which these substances were transported and stored; and
 - f. The persons or companies that supplied each such hazardous substance to your company.
7. Identify all by-products and wastes generated, stored, transported, treated, disposed of, released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:
- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;
 - d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;
 - e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and
 - f. The location and method of treatment and/or disposal of each such by-product or waste.
8. Did your company ever contract with, or make arrangements with Clearview, Folcroft, Folcroft Annex, Eastern Industrial, Tri-County Hauling, S. Buckly Trash Hauling, Barratt Rupurt, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc. and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:
- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons who, between 1958 and 1976, may have:

- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:
- a. The date(s) the spill(s)/release(s) occurred;
 - b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
 - c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
 - d. The packaging, transportation, and final disposition of the materials which were spilled/released.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishment(s) between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.
13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.
14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.
15. Representative of your establishment(s):
 - a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.
 - b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.
16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
 - a. Your document retention policy;
 - b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents; and
 - d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

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